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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,895	08/27/2003	Se Kit Yuen	9585-4	5111

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AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

EXAMINER

NEGRON, ISMAEL

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,895

Applicant(s)

YUEN, SE KIT

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 1 and 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Title

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Illumination Device and Siren, Having Pull-Rope Activation.**

Abstract

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;

- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Regarding the language, the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it fails to describe the claimed invention, it repeats information given in the title, and it uses phrases which can be implied. It appears that the abstract (as filed) merely states the intended result or perceived advantages of the claimed invention. Correction is required. See MPEP § 608.01(b).

Specification

3. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is strongly suggested. The substitute specification filed must be accompanied by a statement that it contains no new matter.
4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 1 recites a "focus lamp unit chamber", a "cold cathode lamp unit chamber" and a "flash lamp unit chamber" while the detailed description is silent as to such elements being part of the disclosed structure. In addition, note that while three light sources are claimed, only two are presented by the detailed description.

Claim Objections

5. Claim 1 is objected to because of the following informalities: it recites the limitations "the cold cathode lamp unit" (line 4) "the flash lamp unit" (line 5), and "the electric source circuit" (line 6). There is insufficient antecedent basis for this limitation in the claim.

Claim 4 is objected to because of the following informalities: it recites the limitations "the ring made of rubber or other elastic material". There is insufficient antecedent basis for this limitation in the claim.

Claim 6 is objected to because of the following informalities: it recites the limitations "the transparent or semi-transparent material". There is insufficient antecedent basis for this limitation in the claim.

The cited lack of antecedent instances do not amount to indefinitiveness under 35 U.S.C. 112, second paragraph, since is readily apparent that the claim language is attempting to introduced new elements (e.g. "cold cathode lamp unit", "flash lamp unit", and electric source circuit", "ring", "material"), however, appropriate correction is required to place the claims in proper form for allowance.

6. Claim 5 objected to because of the following informalities: it recites the limitation "the fine and long-life cold cathode fluorescent lamp" in line 2. There is insufficient antecedent basis for this limitation in the claim.

The cited lack of antecedent instances do not amount to indefinitiveness under 35 U.S.C. 112, second paragraph, since is readily apparent that the claims are referring back to the previously recited "cold cathode fluorescent lamp unit" (Claim 1, line 4), however, appropriate correction is required to place the claims in proper form for allowance.

7. Claim 1 is objected to because of the following informalities: the claims are replete with grammatical and syntax errors, such as:

- Claim 1, lines 1 and 2, should read "A kind of ~~hand-held~~ hand-held multi-functional cold cathode lamp, ~~which~~ comprising:"

- Claim 1, line 7, should read "inner chamber of the lamp body and a siren being pulled by ~~the~~ a rope held".

Appropriate correction is required.

8. It appears that the claims are a literal translation from another language. New claims in proper idiomatic English are strongly suggested.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
10. Claim 1 is indefinite as it is not clear is the "rope held by hand" (as recited in lines 7 and 8) is a necessary element of the structure of the claimed invention.
11. Claim 2 is indefinite as it is not clear what the limitation "at least three lamps" refers to the previously claimed lamps (focus lamp, cold cathode lamp, and flash lamp of Claim 1), or new, additional lamps.

Claim 2 is indefinite as it is not clear what the limitation "at least one socket with the outside power source" (lines 3 and 4) means.

12. Claim 4 is indefinite as the limitation "said rubber ring" makes it unclear if the claimed ring is necessarily made of rubber, or, alternatively, of another elastic material.

Claim 4 recites the limitation "the shock resistance function" in 4. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 5 is indefinite as it is unclear what the limitations "the fine and long-life cold cathode fluorescent lamp" and "which does not need to replace" mean, as all lamps would eventually need to be replaced.

14. Claim 6 is indefinite as it is not clear to what light source is the limitation "wherein the light source is sealed by the transparent or semi-transparent material" (lines 2 and 3) referring to, since three different light sources were previously claimed (Claim 1, lines 3-5).

Claim 6 is indefinite as it is not clear what the limitation "the light which could not generate heat" means, as all light sources inherently generate heat.

15. Claim 7 is indefinite as it is not clear if the limitation "wherein it has a siren" is referring back to the previously claimed siren (Claim 1, line 7), or a new, additional siren.

16. Claim 3 is rejected for their dependency on rejected Claim 1.

17. The applicant is advised that the Examiner resolved the indefinitiveness issues by interpreting the unclear claim language as detailed in the following Prior Art rejections.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over KAO (U.S. Pat. 4,835,665) in view of CHEN (U.S. Pat. 5,903,219).

KAO discloses an emergency illumination device having:

- **a lamp body (as recited in Claim 1), Figure 1, reference number 1;**
- **the lamp body having an inner chamber (as recited in Claim 1), inherent;**
- **a focus lamp unit (as interpreted from Claim 1), Figure 1, reference number 11;**
- **the focus lamp unit being disposed in the inner chamber at the upper end of the lamp body (as interpreted from Claim 1), as seen in Figure 1;**

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- **a flash lamp unit (as interpreted from Claim 1), Figure 1, reference number 21;**
- **the flash lamp unit being disposed in the inner chamber at the back of the lamp body (as interpreted from Claim 1), as seen in Figure 1;**
- **an electric source circuit (as recited in Claim 1), as seen in Figure 2;**
- **the electric source circuit being located inside the inner chamber (as recited in Claim 1), inherent;**
- **a siren (as recited in Claim 1), Figure 1, reference number 22;**
- **a siren activating switch (as interpreted from Claim 1), Figure 1, reference number 4;**
- **an arcuate reflecting unit (as interpreted from Claim 2), as evidenced by Figure 1;**
- **a main switch (as interpreted from Claim 2), Figure 1, reference number 13;**
- **the lamp body being easy to hold and drop resistant (as interpreted from Claim 4), as evidenced by Figure 1; and**
- **a transparent or semi-transparent light source cover (as interpreted from Claim 6), as seen in Figure 1.**

KAO discloses all the limitations of the claims, except:

- **a cold-cathode lamp unit (as interpreted from Claim 1);**

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- the cold-cathode lamp unit being disposed in the inner chamber at the front end of the lamp body (as interpreted from Claim 1);
- the siren being activated by pulling a rope (as interpreted from Claim 1);
- a planar reflective unit (as interpreted from Claim 2);
- a socket (as recited in Claim 2);
- the socket being for coupling an external power source (as interpreted from Claim 2);
- a pull switch (as interpreted from Claim 2);
- the pull switch having a hook (as interpreted from Claim 2);
- the pull switch hook activating the pull switch for powering the siren when the pull switch hook is pulled (as interpreted from claims 2 and 7);
- the lamp units being capable of being used continuously for more than 100,000 hours (as interpreted from Claim 3);
- the lamp body being made of rubber or other elastic material (as interpreted from Claim 4); and
- the cold-cathode lamp unit having a long life (as interpreted from Claim 5).

CHEN discloses an emergency illumination device having:

- **a lamp body (as recited in Claim 1), Figure 1, reference number 1;**

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- **the lamp body having an inner chamber (as recited in Claim 1),**
 - as seen in Figure 1;
- **a focus lamp unit (as interpreted from Claim 1), Figure 1,**
reference number 17;
- **the focus lamp unit being disposed in the inner chamber at the**
upper end of the lamp body (as interpreted from Claim 1), as
seen in Figure 1;
- **an electric source circuit (as recited in Claim 1), Figure 1,**
reference number 11;
- **the electric source circuit being located inside the inner**
chamber (as recited in Claim 1), as seen in Figure 1;
- **a siren (as recited in Claim 1), Figure 1, reference number 12;**
- **the siren being activated by pulling a rope (as interpreted from**
Claim 1), column 3, lines 8-11;
- **a main switch (as interpreted from Claim 2), Figure 1, reference**
number 161;
- **a pull switch (as interpreted from Claim 2), Figure 1, reference**
number 13;
- **the pull switch having a hook (as interpreted from Claim 2),**
Figure 1, reference number 21;

- **the pull switch hook activating the pull switch for powering the siren when the pull switch hook is pulled (as interpreted from claims 2 and 7), column 2, lines 55-60; and**
- **the lamp body being made of rubber or other elastic material (as interpreted from Claim 4), as evidenced by Figure 1.**

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include the siren-activating pull switch of CHEN in the emergency illumination device of KAO to increase the personal protection utility of such emergency illumination device by providing means for protecting personal items from being stolen, as per the teachings of CHEN (see column 1, lines 4-10).

Regarding the claimed invention having at least a third light source, such third light source being a cold-cathode lamp unit (as interpreted from Claim 1), it would have been obvious to one of ordinary skill in the art at the time the invention was made to include such third light source, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. In this case, including at least a third light source to the combination of KAO and CHEN would have enable such device to increase it visibility in an emergency situation, by providing illumination from the front and back of the lamp body. Regarding the third light source being specifically a cold-cathode light source, such limitation was considered an obvious matter of design choice, since the applicant has not disclosed that using specifically a cold-cathode light source solves any problem

or is for a particular reason. It appears that the claimed invention would perform equally well with the light sources of KAO, or any of the light sources available in the Prior Art.

Regarding a socket for coupling an external power source (as interpreted from Claim 2), the examiner takes Official Notice that the use of external power source connections is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include such socket in the apparatus of KAO and CHEN. One would have been motivated to extend the life and lower the operating cost of the combined structure of KAO and CHEN by providing means for recharging the internal power source of KAO and CHEN.

Regarding the lamp units being capable of being used continuously for more than 100,000 hours (as interpreted from Claim 3) or having a long life (as interpreted from Claim 5), the applicant is advised that it has been held by the courts that the recitation that an element is "capable of" performing a function or serve in a given application is not a positive limitation, but only requires the ability to so perform. *In re Hutchinson*, 69 USPQ 138. In this case, since the instant application is silent as to how or why the disclosed light sources are capable of such "100,000 hours" operation, such feature was considered an inherent feature of the structural limitations disclosed individually, or suggested by the combined teachings of KAO and CHEN.

Relevant Prior Art

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hedberg (U.S. Pat. 1,738,243), **Montgomery** (U.S. Pat. 4,535,392), **Clendening** (U.S. Pat. 4,665,389), **Hsieh** (U.S. Pat. 4,703,402), **Decker** (U.S. Pat. 5,325,085), **Harding** (U.S. Pat. 5,578,992) and **Worth et al.** (U.S. Pat. 5,617,075) disclose personal protection devices having light and sound emitting means for signaling an emergency situation, some activated by removing a plug from a socket.

Coolidge et al. (U.S. Pat. 2,642,520), **Friedman et al.** (U.S. Pat. 3,825,740), **Young** (U.S. Pat. 4,045,663), **MacLeaod** (U.S. Pat. 4,325,107) and **Clayton** (U.S. Pat. 5,461,551) disclose flashlights having means for connecting an external power source for recharging an internal power source.

Hoi (U.S. Pat. 4,321,657), **Fung** (U.S. Pat. 4,977,489), **Yuen** (U.S. Pat. 5,217,297), **Yuen** (U.S. Pat. 5,859,582) and **Yuen** (U.S. Pat. 6,533,434) disclose illumination devices having a plurality of light sources.

Conclusion


20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.


Inr

March 18, 2005


JOHN ANTHONY WARD
PRIMARY EXAMINER